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F.#2009R0

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK
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09

334M

UNITED STATES OF AMERICA

- against -

ROCCO OPPEDISANO,

Defendant.

C O M P L A I N T

M. No. _____
(T. 18, U.S.C., §
922(g)(1))

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EASTERN DISTRICT OF NEW YORK, ss:

CARL VACCARIELLO, being duly sworn, deposes and says that he is an Inspector assigned to the Hicksville office of the United States Postal Inspection Service, duly appointed according to law and acting as such. This affidavit is based on information and belief the source of that information and the basis of my belief being discussions with other agents which established that:

On or about April 7, 2009, within the Eastern District of New York, the defendant ROCCO OPPEDISANO having been convicted in a court of a crime punishable by imprisonment for a term exceeding one year, did knowingly and intentionally possess ammunition in and affecting interstate commerce, to wit: Remington .22 caliber ammunition.

(Title 18, United States Code, Sections 922(g)(1))

The source of your deponent's information and the grounds for his belief are as follows ¹:

1. On April 6, 2009, I was working with Inspectors of the Postal Inspection Service who were executing a search warrant on the residence of the defendant ROCCO OPPEDISANO at 1 Bay Club Drive, Apartment W11f, Bayside, New York, authorized by a United States Magistrate Judge Michael L. Orenstein. During the execution of the warrant agents discovered various pills, white powder and a box of .22 caliber ammunition.

2. Based on this investigation and agent's surveillance it appears that this apartment is the defendant ROCCO OPPEDISANO's primary resident.

3. The .22 caliber ammunition was discovered in the living room of the defendant's apartment in the top drawer of a credenza. The .22 caliber ammunition was contained in a box marked as containing one hundred rounds of "Remington .22 caliber long rifle" ammunition. Seventeen rounds had been removed, leaving 83 rounds in the box. Remington ammunition is not manufactured in the State of New York.

4. During a simultaneous search of his parents' residence, which was also authorized by the Court, and which

¹ As this affidavit is submitted only to illustrate that probable cause exists to believe that a crime was committed, all the facts known to me as a result of my investigation have not been included.

ROCCO OPPEDISANO lists on public records as his residence, namely 7-32 Point Crescent Road, Whitestone, New York, federal agents recovered a box of 50 .45 caliber bullets. Six additional 12 gauge shotgun shells were recovered in a small zippered bag in a bedroom in which a number of the defendant ROCCO OPPEDISANO'S credit cards were recovered.

5. Based on a search of public records, the defendant ROCCO OPPEDISANO has been previously convicted twice in New York State of felonies and as a result is a prohibited person who cannot legally possess any firearm or ammunition which has been shipped or transported in interstate or foreign commerce.


6. Based on public records, the defendant ROCCO OPPEDISANO is currently released on bail, based on an arrest in Nassau County for cocaine possession and driving under the influence.

WHEREFORE, your deponent respectfully requests that a warrant issue so that the defendant may be dealt with according to law.



CARL VACCARIELLO
Inspector
Postal Inspection Service

Sworn to before me this
7th day of April, 2005



UNITED STATES MAGISTRATE JUDGE
EASTERN DISTRICT OF NEW YORK